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June 23, 2011

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Martin Smith
Founder and Correspondent, Rain Media
Producer, Frontline
[REDACTED]
New York, NY 10024

Re: Frontline – “Educating Sergeant Pantzke”

Dear Mr. Smith:

This firm represents Alta Colleges, Inc. and its subsidiary Westwood College (collectively, the “College”). We write regarding the above-referenced Frontline program, which you produced and PBS plans to air on June 28, 2011 (the “Program”).

You have disclosed that PBS intends to feature the College and one of its former students (we believe Jason Longmore) in a two-minute segment on the Program. The Program’s teaser suggests a critical view will be taken of the “for-profit” postsecondary sector, in line with the view expressed at the Senate HELP Committee hearings. We understand that the College will be featured in the Program because the December 8, 2010 HELP Committee Report, “Benefitting Whom? For-Profit Education Companies and the Growth of Military Educational Benefits,” attributed the following allegations to Mr. Longmore:

He received benefits from an earlier version of the GI Bill and also borrowed \$12,000 in federal loans from Sallie Mae to attend. The veteran was told that the school was accredited and that his credits would transfer if he wanted to pursue a masters degree. After enrolling, he became disappointed with the quality of education and said that many students were not engaged and did not complete their work, but that they always received passing grades. One teacher pulled the

veteran aside and told him the school did not provide a quality education and that he should enroll in a better school. At that point, he had earned 52 credits. When he went to transfer to a public, non-profit institution he found out that none of the credits would transfer. He made the difficult decisions to start over and is pursuing his engineering degree at a four-year public institution, but with his GI bill benefits partially depleted and with the debt incurred at the for-profit schools hanging over his future.

Mr. Longmore attended at least five different postsecondary institutions, but these allegations apparently referred only to the College. The Report's authors never asked the College whether Mr. Longmore's allegations were true even though the HELP Committee had by the time of the Report sought and obtained tens of thousands of records from the College in connection with its investigation of the for-profit sector. Neither apparently did anyone review records readily available from the Department of Veterans affairs, which would have responded to some of Mr. Longmore's allegations.

Had anyone investigated Mr. Longmore's claims, they would have discovered that the documents tell an entirely different story. Specifically, Mr. Longmore did not borrow \$12,000 to attend the College. He borrowed \$9,367.48 and received \$3,154.00 in grants. He paid from his own pocket \$860.55. The College did not receive any of Mr. Longmore's GI Bill benefits, which he presumably used for living expenses, if he was eligible for them at all. The College is accredited by a United States Department of Education-recognized accreditor. And regarding transferability of credits, the College disclosed to Mr. Longmore in writing:

Notice Concerning Transferability of Units and Degrees Earned at Westwood. Units you earn at Westwood College in most cases will probably not be transferable to any other college or university. For example, if you entered out School as a freshman, you will likely still be a freshman if you enter another college or university at some time in the future, even though you earned units here at Westwood College. In addition, if you earn a degree, diploma, or certificate at Westwood, in most cases it will probably not serve as a basis for obtaining a higher-level degree at another college or university.

When Mr. Longmore enrolled at the College, he told the Department of Veterans Affairs that his prior experience at a community college was unsatisfactory and that the construction management program in which he was enrolling at the College was "directly related to my current position in construction and is what I have learned to enjoy and be good at doing. This is going to be my career path." Career training is what the College does, and, in Mr. Longmore's own words, it is what he wanted to do. Instead of probing Mr. Longmore's claims, the Report's authors simply counted them as "evidence" of the problem that they had already decided existed in a sector to which they are ideologically opposed.

We are concerned that PBS is doing the same thing. Nearly four months ago, on February 24, 2011, the College's media agent (Gil Rudawsky) sent Chris Livesay and you an email (attached) refuting Mr. Longmore's allegations (as relayed by you) and providing documentary support, including Mr. Longmore's College records and documents the College received from the Department of Veterans Affairs. This supplemented an earlier email (dated January 25, 2011) (attached), which similarly provided documentation that also refuted Mr. Longmore's claims. Mr. Rudawsky tried to discuss the contents of the emails with you. You said you would call the following week. You never did.

Recently, on June 6, 2011, having heard nothing from you in months, Mr. Rudawsky emailed asking whether you intended to include the College in the Program, which is being timed to coincide with Senate HELP Committee hearings on the same topic. Ten days later, on June 16, you responded in the affirmative, saying a two-minute Program segment would focus on the College and, we assume, Mr. Longmore. You then claimed that the College had already responded to the story. When Mr. Rudawsky asked what formal statement you intended to use because he did not recall giving one (and, in fact, had not), you did not respond.

On your Rain Media website, you promote the Program thusly: "[C]orrespondent Martin Smith investigates how the for-profit schools are aggressively recruiting huge numbers of new veterans with educational promises that many now question whether they can keep." (Emphasis added.) Featuring the College in a story about for-profit schools "aggressively recruiting huge numbers of new veterans" is hardly fair. Veterans are less than five percent of the College's student population, and the College has no veteran-focused recruiting programs, unlike some other career colleges. Including the College in a relatively lengthy segment in the context of a Program about "aggressive[] recruiting [of] huge numbers of new veterans" distorts and unbalances the image of the College, lumping it in with colleges that do actively recruit veterans. See PBS Editorial Standards, K. Unacceptable Production Practices, 3. Distorted Editing ("It is the [proper] objective of the editing process to collect and order information in a manner that fairly portrays reality.").

The College does not know, because you have not said, what exactly you intend to say about the College or presumably Mr. Longmore in the Program. I have a hard time understanding how, in fairness to the College, Mr. Longmore's thoroughly refuted story could be given any air time at all. And yet, every indication suggests that the Program segment intends to be both critical of the College and potentially based exclusively on Mr. Longmore's account.

We ask that the College be given the opportunity to respond to any additional allegations by Mr. Longmore, to know what the story intends to say about the College, and that it have a meaningful opportunity to respond. If you intend to focus on a topic other than Mr. Longmore, we would expect, and PBS's own Editorial Standards would require, that you give the College an opportunity to respond by providing the kind of information that it was able to provide in response to Mr. Longmore's erroneous allegations.

It is not in the interest either of the College or PBS to air a segment that presents a misleading and erroneous portrayal of the facts. We hope that both share the common goal of seeing accurate and truthful portrayal of facts as they relate to the College. PBS viewers—especially PBS viewers—expect unbiased and balanced reporting, accurately depicting the real state of facts. According to its Guiding Principles, “PBS operates in the public interest.” During his acceptance speech for the Fred Friendly First Amendment Award, David Fanning, Frontline’s Executive Producer, recently cited the regrettable political pressures that attempt to influence the content and even the very existence of public broadcasting, and how PBS, in such an environment, has a civic duty to be fair and honest in its reporting. I fear that, in this specific instance, the polarized nature of the recent political consideration of the for-profit sector may have triggered a one-sided misjudgment about the College, resulting in its inclusion in the Program.

With tens of thousands of Westwood students and graduates among the public, an unfair portrayal of the College could do real damage. The value of a degree is largely measured by the public’s perception of the institution. In an effort to protect its honest and hard-working students and graduates, the College must and will aggressively pursue anyone who publicly misrepresents the College. We hope this is unnecessary in this case and that PBS acts consistent with its “reputation for quality” and in keeping with “the public’s trust in the editorial integrity of PBS content and the process by which it is produced.”

Very truly yours,



Peter W. Homer
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Enclosures

cc: Michael Getler, PBS Ombudsman [REDACTED]
Frontline (via email at frontline@pbs.org)
David Fanning, Executive Producer, Frontline [REDACTED]
Chris Livesay, Producer [REDACTED]
Bill Ojile, Esq., General Counsel, Alta Colleges (via email)

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